

REMARKS

Claims 1-5 are pending. Claim 1 has been amended. No new matter has been presented.

Claims 1-5 are rejected under 35 USC 102(e) as being anticipated by Curtis, U.S. Patent 6,387,764. This rejection is respectfully traversed.

Curtis shows a partial cross section of a silicon wafer after a silicon trench etch, a side wall oxidation and a film planarization (see, for example steps illustrated in Fig. 1). The oxide liner is provided on both the trench side walls and the mask. The film planarization has taken away the oxide liner on top of the mask. Hence, only a vertical part of the oxide on the mask is seen in Fig. 1.

In the claimed invention, on the other hand, the first insulation material is to be selectively grown in the trench. For example, claim 1 (as amended) recites “selectively growing a first insulation material only on the substrate in the trench to fill the at least one trench in the substrate in at least a lower part of the one trench with the insulation material in the presence of the mask.” By virtue of this amendment, it is clear that the first insulation material is not deposited or grown on the mask. Page 5, lines 32-35 state that a specific deposition condition has to be met in order to prevent an oxide growth on a nitride mask. Curtis neither discloses nor teaches preventing growth on the oxide of the mask nitride.

Since the recited method is not disclosed by the applied prior art, claim 1 is patentable. Claims 2-5, depending from claim 1, are similarly patentable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and

authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 543822005000.

Dated: December 9, 2006

Respectfully submitted,

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